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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,059	12/14/2001	Adrian Storisteanu	CA920000041US1	6203

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Gregory M. Doudnikoff
IBM Corporation
T81/503
PO Box 12195
Research Triangle Park, NC 27709

EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,059	STORISTEANU ET AL.	
	Examiner	Art Unit	
	Insun Kang	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers dated 12/14/2001.
2. Claims 1-40 are pending in the application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-15, 16, 40, and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-15 and 41 are non-statutory because they are directed to a "system" comprising a parser and an edit system that are disembodied arrangements so as to be called a "computer program" or compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed operations of comparing etc as recited.

With no other structure in the independent claim to rely on, the alleged "system" of the claims turns out to be non-statutory for being a computer program *per se*. Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory.

Claim 16 is non-statutory because it is directed to a "system" without

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recitation of a computer or a computer-readable medium embodying the parser and edit system. The claim merely recites a "system" that is disembodied arrangement so as to be called a "computer program" or compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed operations such as comparing two files as recited. Thus the claim represents non-functional descriptive material that is not capable of producing a useful result, and hence represents only abstract ideas. Therefore, the claim is non-statutory.

Claim 40 is non-statutory because it is directed to a "computer program product or computer program element for executing the method steps." Causing an action or an intended action is different from actually performing an action. Product or program element "for" executing the method steps does not necessarily mean that the steps are actually performed. Therefore, the method steps of comparing and display are only intended actions. Also, "computer program element" is disembodied arrangement so as to be called a "computer program" or compilation of facts, information, or data *per se*, that does not create any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed steps of comparing and displaying as recited. Thus the claims represent non-functional descriptive material that is not capable of producing a useful result, and hence represent

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only abstract ideas. Therefore, the claims are non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoyama et al. (US Patent 6,526,410) hereinafter referred to as “Aoyama.”

Per claim 1:

Aoyama discloses:

- a language specific parser (“parsing the logical structures of the structured document before and after editing read from the memory unit on the basis of a set comparison criterion,” col. 3 lines 40-46);
- an edit system including a comparator for comparing at least two files, said comparator selectively querying said language specific parser for any compare extensions (i.e. “editing and storing a structured document in the memory means,” col. 3 lines 40-45; “extracting the difference between the structured documents in such a manner as to satisfy the comparison

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criterion in accordance with the result of parsing of the structured documents,” col. 3 lines 40-50) as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

- a set of compare methods defining a compare strategy for execution by said comparator; said comparator being responsive to said language specific parser for selectively extending said compare strategy in accordance with said compare extensions (i.e. col. 3 lines 55-60) as claimed.

Per claim 3:

The rejection of claim 2 is incorporated, and further, Aoyama teaches:

- a compare command enabled by an extension registration process for querying said language specific parser for said compare extensions (i.e. col. 3 lines 40-50; col. 4 lines 20-30) as claimed.

Per claim 4:

The rejection of claim 3 is incorporated, and further, Aoyama teaches:

- a common parser including a register compare extensions entry point responsive to a call from said comparator initiating said extension registration process for registering a default strategy; and said language specific parser for extending said common parser by overriding said register compare extension entry point with any compare extensions to be registered (i.e. col. 4 lines 23-32; col. 7 lines 30-36) as claimed.

Per claim 5:

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The rejection of claim 3 is incorporated, and further, Aoyama teaches:

- a plurality of platform specific parsers for extending said language specific parser by registering extensions for different platforms (i.e. col. 4 lines 60-67) as claimed.

Per claim 6:

The rejection of claim 2 is incorporated, and further, Aoyama teaches:

- a plurality of languages specific parsers (i.e. col. 3 lines 40-50; col. 4 lines 60-67) as claimed.

Per claim 7:

The rejection of claim 6 is incorporated, and further, Aoyama teaches:

- said comparator initiating said compare registration process when each of said files is associated with a same language specific parser (i.e. col. 3 lines 40-50) as claimed.

Per claim 8:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

- a display for displaying in a pull-down menu a plurality of compare utility actions and compare options, said compare options comprising a compare strategy including said compare extensions (col. 3 lines 40-50) as claimed.

Per claim 9:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

- said compare extensions specifying that said comparator ignore comments (col. 3 lines 40-50) as claimed.

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Per claim 10:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

-said compare extensions specifying the comparison of functions and methods defined in source files without regard to their detailed implementation (col. 3 lines 40-50) as claimed.

Per claim 11:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

- said compare extensions specifying the comparison of code while ignoring text located outside of margins, in a prefix area, and/or including or excluding sequence numbers (col. 3 lines 40-50) as claimed.

Per claim 12:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

-said compare extensions specifying the comparison of source code statement by statement (i.e. col. 9 lines 9-16) as claimed.

Per claim 13:

The rejection of claim 12 is incorporated, and further, Aoyama teaches:

- said comparison of source code statement by statement effectively ignoring differences in formatting styles (i.e. col. 9 lines 9-16) as claimed.

Per claim 14:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

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- said compare extensions providing for the comparison of constant key definitions and identification of a change in value without flagging every line containing a given changed constant key as non-comparing (i.e. col. 9 lines 50-61) as claimed.

Per claim 15:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

- said compare extensions providing for changed class or variable names as expected changes not to be flagged as non-comparing (i.e. col. 9 lines 50-61) as claimed.

Per claim 41:

The rejection of claim 1 is incorporated, and further, Aoyama teaches:

- said compare extensions providing for comparing documents according to an attribute of the type of file handled by said edit system (i.e. col. 3 lines 40-45; col. 3 lines 40-50) as claimed.

Per claim 16:

Aoyama teaches:

- a language specific parser; an edit system including a comparator for comparing two files ("parsing the logical structures of the structured document before and after editing read from the memory unit on the basis of a set comparison criterion," col. 3 lines 40-46);
- said comparator selectively querying said language specific parser for any compare extensions (i.e. "editing and storing a structured document in the

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memory means,” col. 3 lines 40-45; “extracting the difference between the structured documents in such a manner as to satisfy the comparison criterion in accordance with the result of parsing of the structured documents,” col. 3 lines 40-50)

- a display for displaying in a pull-down menu a plurality of compare utility actions and compare options, selected said compare options comprising a compare strategy including said compare extensions; said language specific parser being responsive to user selection of a said compare extension for providing a corresponding method to said comparator “extracting the difference between the structured documents in such a manner as to satisfy the comparison criterion in accordance with the result of parsing of the structured documents,” col. 3 lines 40-50
- said display further for displaying said document files with non-comparing elements highlighted according to said compare strategy (i.e. Fig 27) as claimed.

Per claim 17:

Aoyama discloses:

- selecting a plurality of compare entities (“parsing the logical structures of the structured document before and after editing read from the memory unit on the basis of a set comparison criterion,” col. 3 lines 40-46);
- identifying an attached parser corresponding to each said compare entity; responsive to each said compare entity being identified to the same attached

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parser, executing a compare extension registration process; responsive to said compare extension registration process, defining a compare strategy for comparing said entities (i.e. "editing and storing a structured document in the memory means," col. 3 lines 40-45; "extracting the difference between the structured documents in such a manner as to satisfy the comparison criterion in accordance with the result of parsing of the structured documents," col. 3 lines 40-50).

Per claim 18:

The rejection of claim 17 is incorporated, and further, Aoyama teaches:

- responsive to user selection of a compare action, displaying to said user a compare dialog for selecting said plurality of compare entities (i.e. col. 3 lines 55-60) as claimed.

Per claim 19:

The rejection of claim 18 is incorporated, and further, Aoyama teaches:

- responsive to said compare extension registration process, displaying to said user a further dialog comprising language specific compare options for user selection in defining said compare strategy (col. 3 lines 40-50) as claimed.

Per claim 20:

The rejection of claim 19 is incorporated, and further, Aoyama teaches:

- responsive to said compare action, registering a default strategy; and selectively extending or overriding said default strategy with any compare extensions to be registered (i.e. col. 3 lines 40-45; col. 3 lines 40-50) as claimed.

Per claim 21:

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The rejection of claim 20 is incorporated, and further, Aoyama teaches:

- operating a language specific parser and one of a plurality of platform specific parsers to register said compare extensions (i.e. col. 4 lines 60-67) as claimed.

Per claims 22-28, they are the method versions of claims 9-15, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 9-15 above.

Per claim 29, it is the method version of claim 16, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above.

Per claim 30, it is the storage device version of claim 29, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 29 above.

Per claims 31-39, they are the storage device versions of claims 17-20 and 22-28, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 17-20 and 22-28 above.

Per claim 40, it is the product or program element version of claim 30, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 30 above.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I. Kang
Examiner
3/18/2005


KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100